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**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2005-1485

PRESTON MATHIS
5187 Grand Ave.
Yucaipa, CA 92399

A C C U S A T I O N

Vocational Nurse License No. VN 195085

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about May 8, 2001, the Board of Vocational Nursing and Psychiatric
Technicians (Board) issued Vocational Nurse License No. VN 195085 to Preston Mathis
(Respondent). The license expired on May 31, 2005, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board under the authority of the
following laws. All section references are to the Business and Professions Code unless otherwise
indicated.

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1 the following:

2 “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a
3 licensed physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or
4 administer to another, any controlled substance as defined in Division 10 of the Health and
5 Safety Code, or any dangerous drug as defined in Section 4022.

6 “(b) Use any controlled substance as defined in Division 10 of the Health and
7 Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an
8 extent or in a manner dangerous or injurious to himself or herself, any other person, or the public,
9 or to the extent that the use impairs his or her ability to conduct with safety to the public the
10 practice authorized by his or her license.

11 “(c) Be convicted of a criminal offense involving possession of any narcotic or
12 dangerous drug, or the prescription, consumption, or self-administration of any of the substances
13 described in subdivisions (a) and (b) of this section, in which event the record of the conviction is
14 conclusive evidence thereof.”

15 8. Section 4140 of the Code states:

16 “No person shall possess or have under his or her control any hypodermic needle
17 or syringe except when acquired in accordance with this article.”

18 9. Section 490 of the Code provides, in pertinent part, that the Board may
19 suspend or revoke a license when it finds that the licensee has been convicted of a crime
20 substantially related to the qualifications, functions or duties of a licensed vocational nurse.

21 10. California Code of Regulations, title 16, section 2521, states:

22 “For the purposes of denial, suspension, or revocation of a license pursuant to
23 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
24 act shall be considered to be substantially related to the qualifications, functions or duties of a
25 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a
26 licensed vocational nurse to perform the functions authorized by his license in a manner
27 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be
28 limited to those involving the following:

....
“(e) Conviction of a crime involving fiscal dishonesty.”

11. Section 11170 of the Health and Safety Code provides: “no person shall prescribe, administer, or furnish a controlled substance for himself.”

12. Section 11173 of the Health and Safety Code states:

“(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.”

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

14. CONTROLLED SUBSTANCES

a. Amphetamine is a Schedule II controlled substances as designated by in Health and Safety Code section 11055(d)(1) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

b. Methamphetamine is a Schedule II controlled substances as defined in Health and Safety Code section 11055(d)(2) and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022 of the Code.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crimes)

15. Respondent is subject to disciplinary action under sections 2878, subdivisions (f), and 490, as defined in California Code of Regulations, title 16, section 2521, in that Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a licensed vocational nurse, as follows:

a. On or about March 25, 2002, in the case entitled *The People of the State of California v. Preston Lee Mathis* (Superior Court of California, County of San Bernardino, Chino District, Case No. MCH013695), Respondent was convicted by the Court on

1 a plea of guilty to one count of violating Health and Safety Code section 11377(a) (possession of
2 a controlled substance), a misdemeanor; one count of violating Health and Safety Code section
3 11550(a) (being under the influence of a controlled substance), a misdemeanor; and one count of
4 violating Health and Safety Code section 11364 (possession of a opium pipe), a misdemeanor.

5 1.) The circumstances surrounding the conviction are that on or
6 about February 17, 2002, Chino police officers observed Respondent digging through a trash
7 dumpster behind a department store after the close of business. While speaking with
8 Respondent, the police officers determined that Respondent was under the influence of a
9 controlled substance based upon his behavior and appearance which included the presence of
10 "fresh injection marks on the inside of his right arm." The officers found a one-milliliter syringe
11 wrapped inside of a "beanie cap" Respondent was wearing and also found a three-milliliter
12 syringe during a search of Respondent's vehicle. After the officers transported Respondent to
13 jail, jail deputies found in his possession a small "baggy" containing a white crystal substance,
14 which later tested positive for amphetamines. Respondent admitted to the officers that he had a
15 drug problem.

16 b. On or about April 24, 2002, in the case entitled *The People of the State of*
17 *California v. Preston Lee Mathis* (Superior Court of California, County of Riverside, Case No.
18 PEM958792), Respondent was convicted by the Court on a plea of guilty to one count of
19 violating section Penal Code section 12025(a) (possession of a concealed weapon), a
20 misdemeanor.

21 1.) The circumstances surrounding the conviction are that on or
22 about February 2, 2002, Respondent was cited by the County of Riverside Sheriff for being in
23 possession of a concealed weapon.

24 c. On or about July 12, 2002, in the case entitled *The People of the State of*
25 *California v. Preston Lee Mathis* (Superior Court of California, County of San Bernardino, San
26 Bernardino District, Case No. MRE013291), Respondent was convicted by the Court on a plea of
27 guilty to one count of violating Health and Safety Code section 11550(a) (under the influence of
28 a controlled substance), a misdemeanor.

1 1.) The circumstances surrounding the conviction are that on or about
2 February 5, 2002, Redlands police officers observed Respondent going through trash behind a
3 Radio Shack store. While speaking with Respondent, the officers determined that Respondent
4 was under the influence of a controlled substance. A search of his person revealed that he was in
5 possession of seven needles as well as a syringe. Respondent admitted to the police officers that
6 he had used an illegal substance earlier that day. Later at the police station, Respondent showed
7 one of the officers "several track marks on both his right and his left inside" arms. A blood test
8 was administered to screen for the presence of drugs in Respondent's system. Respondent tested
9 positive for amphetamines.

10 d. On or about July 12, 2002, in the case entitled *The People of the State of*
11 *California v. Preston Lee Mathis* (Superior Court of California, County of San Bernardino,
12 Chino District, Case No. MCH013828), Respondent was convicted by the Court on a plea of
13 guilty to one count of violating Penal Code section 12025(a) (carrying a concealed weapon), a
14 misdemeanor and one count of violating Health and Safety Code section 11364 (possession of
15 opium pipe), a misdemeanor.

16 1.) The circumstances surrounding the conviction are that on or about
17 March 17, 2002, Chino police officers responded to a burglary alarm that had been activated at
18 an electronics store. When the first officer arrived at the scene, he observed Respondent walking
19 toward his vehicle behind the rear of the business. Believing that Respondent was involved in
20 suspicious activity at the premises, the police officers questioned him and conducted a search of
21 his vehicle. During the search of Respondent's vehicle, the officers located a concealed firearm,
22 five hypodermic syringes still in their packaging, three hypodermic syringes in a small black bag
23 and one uncapped hypodermic syringe in another bag.

24 e. On or about July 12, 2002, in the case entitled *The People of the State of*
25 *California v. Preston Lee Mathis* (Superior Court of California, County of San Bernardino,
26 Chino District, Case No. MRE013509), Respondent was convicted by the Court on a plea of
27 guilty to one count of violating Health and Safety Code section 11550(a) (under the influence of
28 a controlled substance), a misdemeanor.

1 1.) The circumstances surrounding the conviction are that on or about
2 March 30, 2002, a City of Redlands police officer initiated a traffic stop of Respondent after he
3 failed to stop at a stop sign and also failed to respond when previously approached by another
4 police officer. After speaking with Respondent, the officer determined that Respondent was
5 under the influence of a controlled substance. A search of Respondent's vehicle revealed that he
6 was in possession of a long rubber "tie-off" mechanism as well as a three hypodermic syringes.
7 Respondent told the officer that he was addicted to both methamphetamine and heroin and
8 admitted that he had used methamphetamine earlier that evening. Respondent was transported
9 to the Redlands Police Department where a blood test was administered to screen for the
10 presence of drugs in his system. Respondent tested positive for amphetamines.

11 f. On or about August 22, 2002, in the case entitled *The People of the State*
12 *of California v. Preston Lee Mathis* (Superior Court of California, County of Los Angeles, Case
13 No. GA049887), Respondent was convicted by the Court on a plea of guilty to one count of
14 violating Health and Safety Code section 11377(a) (possession of controlled substance), a felony.

15 1.) The circumstances surrounding the conviction are that on or about
16 May 31, 2002, a security guard at a apartment complex detained Respondent after he was found
17 trespassing on private property. After conducting a cursory search of Respondent's vehicle for
18 safety reasons, the security guard located a baggy containing a white substance. The security
19 guard then contacted the Pasadena police. When the officers arrived, they opined that the white
20 substance was methamphetamine and subsequently arrested Respondent. The substance tested
21 positive for traces of methamphetamine when it was tested later at the police station.

22 g. On or about April 16, 2008, in the case entitled *The People of the State of*
23 *California v. Preston Lee Mathis* (Superior Court of California, County of Riverside, Southwest,
24 Case No. SWF023382), Respondent was convicted by the Court on a plea of guilty to one count
25 of violating Penal Code section 476 (willfully and unlawfully making, passing, etc. a fictitious
26 check with intent to defraud another person), a misdemeanor.

27 1.) The circumstances surrounding the conviction are that on or about
28 November 2, 2007, an officer from the Riverside County Sheriff's Department was dispatched to

1 Soboba Casino located in San Jacinto, California in reference to an individual being detained for
2 fraud. When the officer arrived at the location, he mirandized Respondent and interviewed him
3 as well as Casino employees. Respondent reported that he had entered the Casino and
4 approached a teller with a travelers check that he had found. Respondent told the officer that he
5 had only asked the teller if the travelers check was valid. The teller reported that Respondent had
6 approached her booth with a forged American Express travelers check in the amount of \$500.00
7 and had requested to cash the travelers check. The teller reported that she determined that the
8 travelers was fraudulent because of the type of paper it was printed on and because the word
9 "travelers" was misspelled. The teller's supervisor contacted the Riverside County Sheriff's
10 Department. The officer dispatched placed Respondent under arrest for violation of Penal Code
11 section 476. Prior to transporting Respondent to the correctional facility, the officer discovered
12 in Respondent's possession two yellow pills, one white pill and two bank ATM cards that had no
13 name or expiration date on them.

14 SECOND CAUSE FOR DISCIPLINE

15 (Administered Controlled Substances to Oneself)

16 16. Respondent is subject to disciplinary action under section 2878,
17 subdivision (a), on the grounds of unprofessional conduct, as defined in section 2878.5,
18 subdivision (b), for violating Health and Safety Code section 11170, in that Respondent
19 administered a controlled substance to himself, amphetamine, as more fully set forth in
20 paragraph 15, above.

21 THIRD CAUSE FOR DISCIPLINE

22 (Obtained or Possessed Controlled Substances)

23 17. Respondent is subject to disciplinary action under section 2878,
24 subdivision (a), on the grounds of unprofessional conduct, as defined in section 2878.5,
25 subdivision (a), for violating Health and Safety Code section 11173, in that Respondent was in
26 possession of a controlled substance, amphetamine, as more fully set forth in paragraph 15,
27 above.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 18. Respondent is subject to disciplinary action under section 2878,
4 subdivision (d), of the Code on the grounds of unprofessional conduct for violating section 4140
5 of the Code, in that Respondent was repeatedly found to be in possession of hypodermic needles
6 and syringes without authority, as more fully set forth in paragraph 15, above.

7 FIFTH CAUSE FOR DISCIPLINE

8 (Commission of Dishonest Act)

9 19. Respondent is subject to disciplinary action under section 2878,
10 subdivision (j), of the Code in that he was convicted of willfully passing a check with intent to
11 defraud, as more fully set forth in paragraph 15, above.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein
14 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
15 Technicians issue a decision:

- 16 1. Revoking or suspending Vocational Nurse License No. VN 195085, issued
17 to Preston Mathis.
- 18 2. Ordering Preston Mathis to pay the Board of Vocational Nursing and
19 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
20 pursuant to Business and Professions Code section 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: July 8, 2008

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24 TERESA BELLO-JONES, I.D., M.S.N., R.N.
25 Executive Officer
26 Board of Vocational Nursing and Psychiatric Technicians
27 Department of Consumer Affairs
28 State of California
Complainant